

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

SUSAN M. CHILDRESS,

Plaintiff,

vs.

DEPARTMENT OF HEALTH AND
HUMAN SERVICES, and STATE OF
NEBRASKA,

Defendants.

4:22CV3000

ORDER

This matter comes before the Court on Defendants' Motion for an Order Compelling Discovery Answers and Responses ([Filing No. 14](#)). Defendants seek an order compelling Plaintiffs to answer interrogatories and to respond to requests for production of documents pursuant Fed. R. Civ. P. 37(a)(3)(B)(iii) and (iv). Plaintiff did not respond to the motion. See NECivR. 7.1(b)(1)(C).

On May 6, 2022, defense counsel emailed Defendants' First Set of Interrogatories and Defendants' First Set of Requests for Production of Documents to Plaintiff's counsel. ([Filing No. 13](#); [Filing No. 15](#)). A party must serve answers, responses, and any objections to properly served interrogatories and requests for production within thirty days of service. See [Fed. R. Civ. P. 33\(b\)\(2\)](#) and [34\(b\)\(2\)\(A\)](#). Based on the record before the Court, Plaintiff has failed to respond at all to Defendants' to discovery requests. Plaintiff did not request any extension of time to provide discovery responses, did not provide any reason for the failure to respond to discovery, and filed no response to this motion to compel. As such, the Court finds that Defendants' motion to compel should be granted. Accordingly,

IT IS ORDERED:

1. Defendants' Motion for an Order Compelling Discovery Answers and Responses ([Filing No. 14](#)) is granted.
2. On or before **January 6, 2023**, Plaintiff shall serve all outstanding responses to Defendants' requests for production and answers to interrogatories, without objections. Failure to comply with this order may result in the Court's entry of an appropriate sanction, including dismissal of this case, pursuant to Fed. R. Civ. P. 37(d)(1)(A)(ii) and (b)(2)(A).

Dated this 16th day of December, 2022.

BY THE COURT:

s/Michael D. Nelson
United States Magistrate Judge